IN RE: PETITION FOR ZONING VARIANCE E/S Gateridge Road, 192' N of \* DEPUTY ZONING COMMISSIONER the c/1 of Bosley Road (10503 Gateridge Road) \* OF BALTIMORE COUNTY 8th Election District 4th Councilmanic District \* Case No. 90-146-A John W. Stupak, et ux

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

Petitioners

The Petitioners herein request a variance to permit a rear yard setback of 18 feet in lieu of the required minimum 22.5 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners, by Jonn W. Stupak, appeared and testified. There were no Protesta its.

Testimony indicated that the subject property, known as 10503 Gateridge Road, consists of 10,120 sq.ft. zoned D.R. 3.5, and is improved with a single family dwelling which has been Petitioners' residence for the past 3.5 years. Petitioners are desirous of expanding an existing wood deck to the length of the house along the east side of the subject property. Testimony indicated that due to the swale of the land and limited use of the rear yard, the proposed location for a deck of adequate space and size is the most practical. Mr. Stupak testified that he has spoken with his neighbors who have no objections to his request. Petitioner argued that practical difficulty and unreasonable hardship would result if the variance is denied. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Eased upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested valiance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Will day of November, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 18 feet in lieu of the required minimum 22.5 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Tracking System Baltimore County Zoning Commissioner Office of Planning & Zoning ZIp Code Number TYPE Identification Number Day Month Year Petitioner: Stupak te iddie initie Property Address: 10503 Gateridge RA BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT RECEIVED A / 10503 GATONIA RL (Itom # B 1772\*\*\*\* ITEM #8

> Beginning on the east side of Gateridge Road, 50 feet wide, at the distance of 192 feet north of the centerline of Bosley Road, Lot 3, Block A, Plat 1, Sections I and II in the subdivision of Springdale, Book 31, Folio 146. Also being known as 10503 Gateridge Road in the 8th Election District.

CENTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Posted for: Varience Petitioner: Je /727 W. Stupek, et ay Location of property: 1/5 fratorridge Rdy 1921 N 1305 lay Rd Location of Signer Lacing Go foridge Rd. 02,21021 15 Fr. Too dway

CERTIFICATE OF PUBLICATION TOWSON, MD., \_\_\_\_\_\_ Oct 5 \_\_\_\_, 1989 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Bultimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesaceaks Avenue in Towson, Mary £ as tollows:

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_Oct 4\_\_\_\_\_\_, 1989.

Petition for Zoning Variance
Case NO.: 90-146-A
E/S Gateridge Road, 192' N
of c/l of Boeley Road
10503 Gateridge Road
8th Election District

Petitioner(s): John W. Stupak, et ux

Hearing Date: Wednesday, Nov. 1, 1989 at 9:30 a.m.

Variance: To permit an 18 ft. rear yard setback in lieu of the minimum 22.5 ft. for an open pro-

jection (deck). In the event that this Petition is

In the event that this Petrion is granted, a building permit may be issued within the thirty (30) day appeal period. The Zorung Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

November 2, 1989

Mr. & Mrs. John W. Stupak 10503 Gateridge Road Cockeysville, Maryland 21030

RE: PETITION FOR ZONING VARIANCE E/S Gateridge Road, 192' N of the c/l of Bosley Road (10503 Gateridge Road) 8th Election District - 4th Councilmanic District John W. Stupak, et ux - Petitioners Case No. 90-146-A

Dear Mr. & Mrs. Stupak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

in the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, M Nestermer ANN M. NASTAROWICZ

> > for Baltimore County

Deputy Zoning Commissioner

cc: People's Counsel

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal cwner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section \_\_\_1802\_3\_8\_\_(208\_4\_\_R\_10\_\_1966) and 301\_1\_\_\_\_ ---- To permit an 18: rear ward sathack in lieu of the minimum 22.5! ----for an open projection (deck)----Dennis F. Rasmussen
County Executive

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The house was constructed night up to the minimum set back line and also due to the slope of the property the back yord is useless without a deck to growide some level space. Property is to be posted and advertised as prescribed by Zonir Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this pate 3/3 petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): John W. Stupak (Type or Print Name) (Type or Print Name) Signature City and State Attorney for Petitioner: 10503 Gateringe Rel (Type or Print Name) Cockeys Ville Md. 21030 Name, address and phone number of legal owner, con-Address tract purchaser or representative to be contacted City and State Attorney's Telephone No.: Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_day of \_\_\_\_\_, 1982, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 1st day of Nov Zoning Commissioner of Baltimore Count

PETITION FOR ZONING VARIANCE

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Petition for Zoning Variance
Case NO.: 90-146-A
E/S Gateridge Road, 192' N
of c/I of Bosley Road
10503 Gateridge Road
8th Election District
4th Councilmanic Petitioner(s): John W. Stupak, et ux Hearing Date: Wednesday, Nov. 1, 1989 at 9:30 a.m. Variance: To permit an 18 ft. rear yard setback in lieu of the minimum 22.5 ft. for an open projection (deck). In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the isany request for a stay or use his suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

NOTICE OF HEARING

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 5 , 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on Oct 5, 1989.

THE JEFFERSONIAN,

5. Zete Olm

PO 17242 neg M34217 puco \$ 9529

Baltin Zomin County 111 Wes Topson
 [10,00]

more County ng Commisioner Office Building st Chesapeake Avenue Maryland 21204

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90-146-A PURED TRAVERS FEES OND PRESENTED STONE / STANCETTOING : X #100.27

1000L: \$100.00 TAST HATE OF BLAKER: STUPPE

> B 815\*\*\*\*12029:a #01eF Please make charks payable to: Raitimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

DATE 10/20/89

Mr. & Mrs. John W. Stupak 10503 Gateridge Road Cockesyville, Maryland 21030 Dennis F. Rasmussen

Re: Petition for Zoning Variance CASE NUMBER: 90-146-A E/S Gateridge Road, 192 N of c/l of Bosley Road 10503 Gateridge Road 8th Election District - 4th Councilmanic Petitioner(s): John W. Stupak, et ux HEARING DATE: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Stupak:

Please be advised that \$ 120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Saltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

> J. Robert Haines ZONING COMMISSIONER

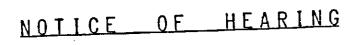
JRH:gs cc: File



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Mary!and 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 18, 196



Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 90-146-A E/S Gateridge Road, 192¹ N of c/l of Bosley Road

10503 Gateridge Road 8th Election District - 4th Councilmanic Petitioner(s): John W. Stupak, et ux HEARING DATE: WEDNESDAY, NOVEMBER 1, 1989 at 9:30 a.m.

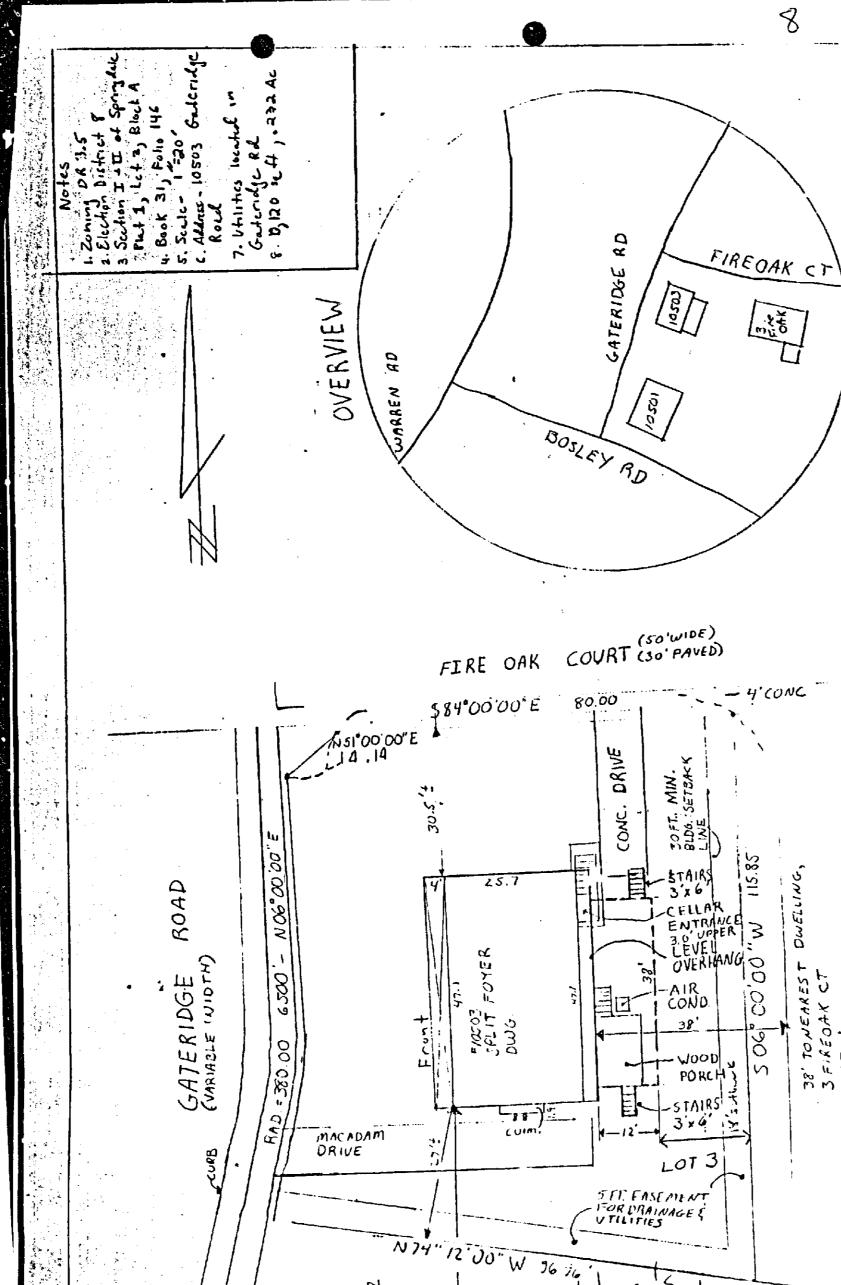
Variance: To permit an 18 ft. rear yard setback in lieu of the minumum 22.5 ft. for an open projection (deck).

In the event that this Petition is granted, a building permit may be issued within the thirty (3D) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Mr. & Mrs. John W. Stupak



Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

Paul H. Reincke Chief JULY 26, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen

Towson, MD 21204

RE: Property Owner: JOHN W. STUPAK

E/S OF GATERIDGE ROAD

Location:

Item No.: 8

Gentlemen:

Zoning Agenda: JULY 18, 1989

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Aft Jon Druly Approved Caft Jun Brally
Playning Group
Special Inspection Division

Noted and Caft Jun Brally
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1989

COUNTY OFFICE BLOG. 111 W. Chasapeake Ave. Towson, Heryland 21204

Burcau of

Department of Traffic Engineering

Realth Department

Project Planning
Building Department

Board of Education

Industrial Development

Zoning Administration

State Roads Commission

Mr. & Mrs. John W. Stupak 10503 Gateridge Road Cockeysville, MD 21030

RE: Item No. 8, Case No. 90-146-A
Petitioner: John W. Stupak, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Stupak:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Enclosures

JED:jw

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this

18th day of August, 1989.

Petitioner: John W. Stupak, et ux

Petitioner's Attorney:

J. Robert Haines
ZONING COMMISSIONER

Janus & Agu

Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

AUG 3 1959

ZONING CHACE

July 31, 1989



Dennis F. Rasmussen County Executive

Mr. J. Robert Haines

Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 1, 2, 3, 5, 6, 7, and 8.

Very truly yours,

Michael S. Flanigan

Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: October 19, 1989

Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

John W. Stupak, Item 8
SUBJECT: Zoning Petition No. 90-146-A

The Petitioner requests a Variance to permit an 18 ft. rear yard setback in lieu of the minimum 22.5 ft. for an open projection (deck).

In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

OCT 2 4 19

JL 2 8 16